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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/09/2001

Takaaki Murata

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7152

22852

7590

02/04/2003

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EXAMINER

TRAN, THAO T

ART UNIT

PAPER NUMBER

1711

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DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,929

licant(s)

MURATA ET AL.

Examiner

Thao T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 20-22, 36-44 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

1. The objections and rejections in the prior Office Action of September 18, 2002 have been withdrawn. An Election/Restriction requirement is made as follows:

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 20-21, drawn to an ozone generator, classified in class 422, subclass 186.07.

II. Claim 22, drawn to an ozone-processing system, classified in class 422, subclass 186.07.

III. Claims 36-44, drawn to an ozonizing unit, classified in class 422, subclass 186.07.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions have different modes of operation, different functions, and different effects. Invention I is directed to an ozone generator, comprising an ozonizing unit, a gas supply system, an adsorbing device, and a contact device. Invention II is directed to an ozone-processing system that comprises an ozonizing unit, and purifying device; wherein the ozonizing unit does not comprises the elements mentioned above in Invention I.

4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different

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functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions are different in their modes of operation, functions, and effects.

Invention II is directed to an ozone-processing system that comprises an ozonizing unit, and a purifying device. The ozonizing unit comprises an electrode plate; a gas guide; a cooling structure; a holding plate; wherein the electrode plate includes a dielectric substrate and a pair of electrodes on one surface or on opposite surfaces of the dielectric.

Invention III is directed to an ozonizing unit, comprising an electrode plate that includes a dielectric substrate with a hot electrode and a stray electrode on one surface, and a back electrode on the other surface; or a dielectric substrate with a hot electrode on one surface and a back electrode on the other surface; or a dielectric substrate with a hot electrode on one surface and an additional electrode on the other surface.

5. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions are different in their modes of operation, functions, and effects.

Invention I is directed to an ozone generator comprising an ozonizing unit, which comprises an electrode plate; a gas guide; a cooling structure; a holding plate; wherein the electrode plate includes a dielectric substrate and a pair of electrodes on one surface or on opposite surfaces of the dielectric.

Invention III is directed to an ozonizing unit, comprising an electrode plate that includes a dielectric substrate with a hot electrode and a stray electrode on one surface, and a back electrode on the other surface; or a dielectric substrate with a hot electrode on one surface and a

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back electrode on the other surface; or a dielectric substrate with a hot electrode on one surface and an additional electrode on the other surface.

6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, or Group III, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Should Group I be elected, the following groups of patentably distinct species are set forth:

a) an ozonizing unit comprising an electrode that includes a pair of electrodes formed on one surface of a dielectric substrate; and a cooling structure disposed on the other surface of the electrode plate;

b) an ozonizing unit comprising a pair of electrode plates placed on opposite surfaces of a cooling structure, and at least one device irradiating UV, or producing hydrogen peroxide, or catalytic decomposing, or ultrasonic generating, or radiation generating; wherein each electrode plate includes a dielectric substrate with at least a pair of electrodes on one surface.

9. Should Group II be elected, the following groups of patentably distinct species are set forth:

a) an ozone-processing system, comprising an ozonizing unit, which comprises an electrode that includes a pair of electrodes formed on one surface of a dielectric substrate; and a cooling structure disposed on the other surface of the electrode plate;

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b) an ozonizing unit comprising a pair of electrode plates placed on opposite surfaces of a cooling structure, and at least one device irradiating UV, or producing hydrogen peroxide, or catalytic decomposing, or ultrasonic generating, or radiation generating; wherein each electrode plate includes a dielectric substrate with at least a pair of electrodes on one surface.

10. Should Group III be elected, the following groups of patentably distinct species are set forth:

a) an ozonizing unit comprising a hot electrode and a stray electrode, each having linear electrode elements formed on one surface of a dielectric substrate, and a back electrode formed on the other surface of the dielectric; *cl. 36-41*

b) an ozonizing unit comprising a hot electrode having linear elements formed on one surface of a dielectric substrate, and a back electrode having linear elements formed on the other surface of the dielectric along a direction intersecting the elements of the hot electrode; *cl. 42-43*

c) an ozonizing unit comprising a hot electrode having linear elements formed on one surface of a dielectric substrate, and an additional electrode formed on one surface of the dielectric. *cl. 44*

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

11. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

12. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

13. A telephone call was made to Brian Latham on January 29, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 703-306-5698. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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January 29, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700